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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

R&S WELL SERVICE, INC., a Wyoming)
Corporation, and MARKEL INSURANCE)
COMPANY, a Virginia Corporation)

Plaintiffs,)

vs.)

Docket No. 09 CV 72

BRIAN THIESSEN, an individual)

Defendant.)
)
)
)

DEFENDANT'S SUPPLEMENTAL PROPOSED JURY INSTRUCTION

The Defendant Brian Thiessen, submits the additional instruction below for
submission to the jury in this matter:

28. Measure of Damages for Personal Property - W.C.P.J.I. 4.07 (as modified);
Hopper v. All-Pet Animal Clinic, 861 P.2d 531, 548 (Wyo. 1993)

DATED this 16 day of July, 2010

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By: 

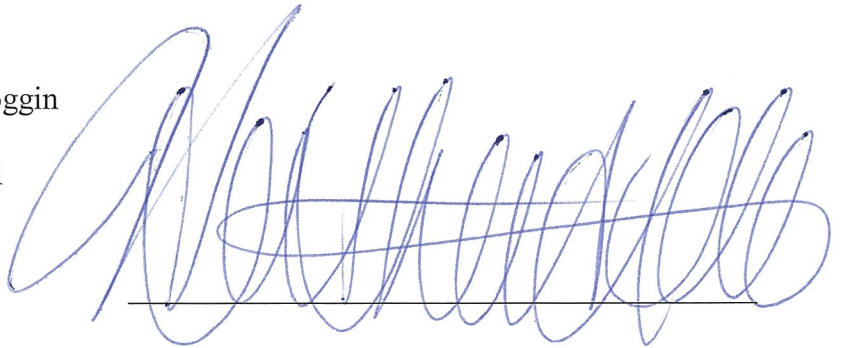
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CERTIFICATE OF SERVICE

This is to certify that on this 11th day of July, 2010 a true and correct copy of the foregoing **DEFENDANT'S SUPPLEMENTAL PROPOSED JURY INSTRUCTION**, was served electronically or by U.S. mail, if necessary, upon the following:

Mark Gifford
Kelley Anderson
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243 South Park Street
Casper, Wyoming 82602

Julie Tiedeken
Brian Hunter
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Cheyenne, Wyoming 82001



INSTRUCTION NO. _____

LOSS OF PROFITS

Lost Profits are calculated based on a "net" figure requiring proof that: (1) net profits were lost; (2) the amount of those profits can be determined with a reasonable degree of certainty; and (3) the Defendant's breach was the proximate cause of the lost profits.

Whether these elements of damage have been proved by the evidence is for you to determine.

GIVEN:

Judge

W.C.P.J.I. 4.07 (as modified); *Hopper v. All-Pet Animal Clinic*, 861 P.2d 531, 548 (Wyo. 1993).
DEFENDANT'S PROPOSED INSTRUCTION NO. 28